

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/07447

<b>A. CLASSIFICATION OF SUBJECT MATTER</b> IPC(7) : E05B 67/24 US CL : 70/14,18,36,258 According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b> Minimum documentation searched (classification system followed by classification symbols) U.S. : 70/14,18-20,31-37. 38R.58,258 Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4,068,504 A (PICKARD) 17 January 1978 (17.01.78), see fig. 3.	1,2,4,9,10,13-16,18,26,28,31-33,35-37,44-48
X	US 6,408,661 A (CHEN) 25 June 2002 (25.06.2002), see fig. 4.	1,2,4,9-16,18-21,26-33,35-38,44-49
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Y		3,25,39,40
Y	US 6,055,832 A (WYERS) 02 May 2000 (02.05.2000), see fig. 10b.	3,25,40
Y	US 3,820,283 A (ACERRA et al ) 28 June 1974 (28.06.1974), see fig. 4.	39
<input type="checkbox"/> Further documents are listed in the continuation of Box C. <input type="checkbox"/> See patent family annex.		
* Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "E" earlier application or patent published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art "&" document member of the same patent family		
Date of the actual completion of the international search 12 November 2004 (12.11.2004)		Date of mailing of the international search report <b>11 JAN 2005</b>
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P O Box 1450 Alexandria, Virginia 22313-1450 Facsimile No (703)305-3230		Authorized officer Lloyd A. Gall <i>[Signature]</i> Telephone No. 703-308-0828

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
TIMOTHY J. MARTIN  
TIMOTHY J. MARTIN PC  
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REC'D 13 JAN 2005

WIPO WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day month year) **11 JAN 2005**

Applicant's or agent's file reference

**FOR FURTHER ACTION**

See paragraph 2 below

2042 PCT

International application No.

International filing date (day month year)

Priority date (day month year)

PCT/US04/07447

10 March 2004 (10.03.2004)

10 March 2003 (10.03.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): E05B 67/24 and US Cl.: 70/14,18,36,258

Applicant

PHILIP WYERS

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

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Authorized officer

Lloyd A. Gall

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Form PCT/ISA/237 (cover sheet) (January 2004)

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/07447

**Box No. 1 Basis of this opinion**

1 With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
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**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims <u>3-5-8,17,22-25,34,39-43</u>	YES
	Claims <u>1,2,4,9-16,18-21,26-33,35-38,44-49</u>	NO
Inventive step (IS)	Claims <u>5-8,17,22-24,34,41-43</u>	YES
	Claims <u>1-4,9-16,18-21,25-33,35-40,44-49</u>	NO
Industrial applicability (IA)	Claims <u>1-49</u>	YES
	Claims <u>NONE</u>	NO

**2. Citations and explanations:**

Claims 1,2,4,9,10,13-16,18,26,28,31-33,35-37,44-48 lack novelty under PCT Article 33(2) as being anticipated by Pickard. Pickard teaches first body 22, second body 20, arms 30, retainer 24, lock core 50, shackle 43, latch portion 65, and catch 68.

Claims 1,2,4,9-16,18-21,26,33,35-38 and 44-49 lack novelty under PCT Article 33(2) as being anticipated by Chen. Chen teaches first body member 20, second body member 30, retainer 44, 46, shackle 24, lock core 40, latch portion 46, catch 342, and nose 212.

Claims 3, 25 and 40 lack an inventive step under PCT Article 33(3) as being obvious by Chen in view of Wyers. Wyers teaches a seal 66. It would have been obvious to one of ordinary skill in the art to provide a seal between the body members of Chen, in view of the teaching of Wyers, to protect the body members from the weather elements.

Claim 39 lacks an inventive step under PCT Article 33(3) as being obvious by Chen in view of Accera et al. Accera teaches a nose 29 rotatable in a latch cavity 105. It would have been obvious to one of ordinary skill in the art to modify the nose of Chen such that it is rotatable in the latch cavity of the second body member, in view of the teaching of Accera et al.

Claims 5-8, 17, 22-24, 34 and 41-43 meet the criteria of PCT Articles 33(2)-(4) because the prior art does not teach the claimed retaining head, catch pin, and sleeve.

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**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

Claims 18, 47 and 48 are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims 18, 47 and 48 are indefinite for the following reason(s): In claim 18, line 15, "move" should be deleted. In claim 47, line 5, "element" should read -means-. In claim 48, line 2, "arm" should read -are--.